

## **EMPLOYER STATUS DETERMINATION**

**Bootheel Regional Rail Corporation  
Bootheel Rail Properties, Inc.**

This is the determination of the Railroad Retirement Board regarding the status of Bootheel Regional Rail Corporation (BRRC) and Bootheel Rail Properties, Inc., (BRPI) as employers under the Railroad Retirement Act (45 U.S.C. §231 et seq.) (RRA) and Railroad Unemployment Insurance Act (45 U.S.C. §351 et seq.) (RUIA). Neither BRRC nor BRPI has previously been determined to be an employer under the RRA and the RUIA.

Information about both BRRC and BRPI was furnished by Mr. Daniel G. Wallen, Chief Executive Officer of BRRC. BRPI purchased the land for a line of railroad from the Burlington Northern Railroad and BRRC operates the rail line. See Surface Transportation Board (STB) Finance Docket No. FD-32938. BRRC is 50% owned by a carrier by railroad, Acadiana Railway Company. According to information provided by Mr. Wallen, BRRC began operations on November 17, 1995, and has two employees who were compensated on that date. Mr. Wallen stated that the line in question interchanges with the Burlington Northern Railroad. BRRC is expected to be a switching railroad.

Section 1(a)(1) of the RRA defines the term "employer" to include:

(i) any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under Part A of subtitle IV of title 49;

(ii) any company which is directly or indirectly owned or controlled by, or under common control with, one or more employers as defined in paragraph (i) of this subdivision, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad \* \* \*. [45 U.S.C. §231(a)(1)(i) and (ii)].

Sections 1(a) and (b) of the RUIA (45 U.S.C. § 351(a)) and b) contain essentially the same definition.

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The evidence establishes that BRRC is a carrier by railroad. Accordingly, it is determined that BRRC became a rail carrier employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective November 17, 1995, the date on which it first compensated employees.

BRPI is merely a land owner and does not operate a railroad. Therefore, BRPI is not an employer under the Acts.

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Glen L. Bower

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V. M. Speakman, Jr.

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**Bootheel Regional Rail Corporation**  
**Bootheel Rail Properties, Inc.**

**TO** : The Board

**FROM** : Catherine C. Cook  
General Counsel

**SUBJECT:** Coverage Determination  
**Bootheel Regional Rail Corporation**  
**Bootheel Rail Properties, Inc.**

Attached is a proposed coverage ruling for Board approval.

Attachment

**Bootheel Regional Rail Corporation**  
**Bootheel Rail Properties, Inc.**